

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

STEVE G. HERNANDEZ,) No. C 13-4715 LHK (PR)
Petitioner,) ORDER OF TRANSFER
v.)
BRAD LIVINGSTON,)
Respondent.)

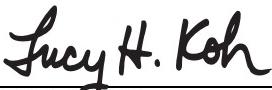
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Petitioner, proceeding *pro se*, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner is currently incarcerated at Pelican Bay State Prison due to a 2006 conviction in Riverside, California, in which petitioner was sentenced to a term of life. In the underlying federal habeas petition, petitioner seeks discharge from an underlying parole hold by the State of Texas, which originates from a conviction petitioner sustained in El Paso, Texas. El Paso, Texas, lies in the Western District of Texas.

Venue for a habeas action is proper in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); however, petitions challenging a conviction or sentence are preferably heard in the district of conviction. *See Habeas L.R. 2254-3(a); Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968). Here, the Western District of Texas was the district of conviction and the place in which the parole hold originated. Accordingly, this case is TRANSFERRED to the United States District Court for the Western District of Texas. *See* 28

1 U.S.C. § 1404(a). The Clerk shall terminate all pending motions and transfer the entire file to
2 the Western District of Texas.

3 IT IS SO ORDERED.
4 DATED: 1/6/14


5 LUCY H. KOH
United States District Judge

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